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HOUSE BILL 714

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Eric A. Youngberg

AN ACT

RELATING TO HIGHER EDUCATION; ALLOWING RESIDENTS WHO DID NOT
GRADUATE FROM A NEW MEXICO HIGH SCHOOL TO BE ELIGIBLE FOR
LOTTERY SCHOLARSHIPS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 6-24-27 NMSA 1978 (being Laws 1995,
Chapter 155, Section 27, as amended) is amended to read:

"6-24-27. REVENUE AND BUDGET REPORTS--RECORDS--
INDEPENDENT AUDITS.--

A. The board shall:

(1) submit quarterly and annual reports to the
governor and the legislative finance committee disclosing the
total lottery revenue, prizes, commissions, ticket costs,
operating expenses and net revenues of the authority during the
reporting period and, in the annual report, describe the

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1 organizational structure of the authority and summarize the
2 functions performed by each organizational division within the
3 authority;

4 (2) maintain weekly or more frequent records
5 of lottery transactions, including the distribution of lottery
6 tickets to retailers, revenue received, claims for prizes,
7 prizes paid, prizes forfeited and other financial transactions
8 of the authority; and

9 (3) use the state government fiscal year.

10 B. The board shall provide, for informational
11 purposes, to the department of finance and administration and
12 the legislative finance committee, by December 1 of each year,
13 a copy of the annual proposed operating budget for the
14 authority for the succeeding fiscal year. This budget proposal
15 shall also be accompanied by an estimate of the net revenues to
16 be deposited in the [~~public school capital outlay fund and the~~]
17 lottery tuition fund for the current and succeeding fiscal
18 years.

19 C. The board shall contract with an independent
20 certified public accountant or firm for an annual financial
21 audit of the authority. The certified public accountant or
22 firm shall have no financial interest in any lottery
23 contractor. The certified public accountant or firm shall
24 present an audit report no later than March 1 for the prior
25 fiscal year. The certified public accountant or firm shall

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1 evaluate the internal auditing controls in effect during the
2 audit period. The cost of this financial audit shall be an
3 operating expense of the authority. The legislative finance
4 committee may, at any time, order an audit of any phase of the
5 operations of the authority, at the expense of the authority,
6 and shall receive a copy of the annual independent financial
7 audit. A copy of any audit performed by the certified public
8 accountant or ordered by the legislative finance committee
9 shall be transmitted to the governor, the speaker of the house
10 of representatives, the president pro tempore of the senate and
11 the legislative finance committee. "

12 Section 2. Section 21-1-4.3 NMSA 1978 (being Laws 1996,
13 Chapter 71, Section 3, as amended) is amended to read:

14 "21-1-4.3. TUITION SCHOLARSHIPS AUTHORIZED-- CERTAIN
15 EDUCATIONAL INSTITUTIONS. --

16 A. To the extent that funds are made available by
17 the legislature from the lottery tuition fund, the boards of
18 regents of New Mexico state university, New Mexico institute of
19 mining and technology, eastern New Mexico university, western
20 New Mexico university, the university of New Mexico, New Mexico
21 highlands university and northern New Mexico state school shall
22 award tuition scholarships for qualified resident students
23 attending their respective institutions and branches of those
24 institutions.

25 B. Except as authorized in Subsection C of this

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1 section, the tuition scholarships authorized in this section
2 shall apply only to full-time resident students who,
3 [~~immediately upon~~] within two years of completion of a high
4 school curriculum [~~at a public or accredited private New Mexico~~
5 ~~high school~~] or [~~upon~~] within two years of receiving a graduate
6 equivalent diploma, are accepted for entrance to and attend one
7 of the state educational institutions set forth in this section
8 or one of the branches of those institutions. Each tuition
9 scholarship shall be awarded for up to four consecutive years
10 beginning the second semester of the recipient's first year of
11 enrollment, provided that the recipient has maintained
12 residency in New Mexico and maintained a grade point average of
13 2.5 or higher on a 4.0 scale during his first semester of full-
14 time enrollment.

15 C. The tuition scholarships authorized in this
16 section shall also apply to full-time resident students who,
17 [~~immediately upon~~] within two years of completion of a high
18 school curriculum [~~at a public or accredited private New Mexico~~
19 ~~high school~~] or upon receiving a graduate equivalent diploma,
20 attend a two-year public post-secondary educational institution
21 in New Mexico and who, upon the completion of that curriculum
22 or at the end of two years, whichever is sooner, transfer to
23 one of the post-secondary state educational institutions set
24 forth in this section. Those students shall be eligible for a
25 tuition scholarship for two consecutive years, provided that

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1 those students maintain residency in New Mexico, maintain a
2 grade point average of 2.5 or higher on a 4.0 scale and attend
3 the institution full time during the regular academic year.

4 D. The tuition scholarships authorized in this
5 section shall also apply to full-time resident students who:

6 (1) within one hundred twenty days of
7 completion of a high school curriculum [~~at a public or~~
8 ~~accredited private New Mexico high school~~], or of receiving a
9 graduate equivalent diploma, begin service in the United States
10 armed forces; and

11 (2) within [~~one hundred twenty days~~] two years
12 of completion of honorable service or medical discharge from
13 the service are accepted for entrance to and attend one of the
14 state educational institutions set forth in this section.

15 E. The commission on higher education shall prepare
16 guidelines setting forth explicit student continuing
17 eligibility criteria and guidelines for administration of the
18 tuition scholarship program. Guidelines shall be distributed
19 to the board of regents of each institution to enable a uniform
20 availability of the resident student tuition scholarships."

21 Section 3. Section 21-13-10 NMSA 1978 (being Laws 1963,
22 Chapter 17, Section 9, as amended) is amended to read:

23 "21-13-10. BOARD DUTIES. --

24 A. It is the duty of the community college board to
25 determine financial and educational policies of the community

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1 college. The community college board shall provide for the
2 management of the community college and execution of these
3 policies by selecting a competent president for the community
4 college, and, upon the president's recommendation, the board
5 shall employ other administrative personnel, instructional
6 staff or other personnel as may be needed for the operation,
7 maintenance and administration of the community college.

8 B. The community college board shall have the power
9 to fix tuition and fee rates for resident and nonresident
10 students of the district, to accept gifts, to accept federal
11 aid, to purchase, hold, sell and rent property and equipment
12 and to promote the general welfare of the institution for the
13 best interest of educational service to the people of the
14 community college district.

15 C. To the extent that funds are made available by
16 the legislature from the lottery tuition fund, the community
17 college board shall award tuition scholarships for qualified
18 resident students attending their respective institutions.

19 D. The tuition scholarships authorized in this
20 section shall apply only to full-time resident students who,
21 [~~immediately upon~~] within two years of completion of a high
22 school curriculum [~~at a public or accredited private New Mexico~~
23 ~~high school~~] or [~~upon~~] within two years of receiving a graduate
24 equivalent diploma, are accepted for entrance to and attend a
25 community college. Each tuition scholarship shall be awarded

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1 for up to two consecutive years beginning the second semester
2 of the recipient's first year of enrollment, provided that the
3 recipient has maintained residency in New Mexico and maintained
4 a grade-point average of 2.5 or higher on a 4.0 scale during
5 his first semester of full-time enrollment.

6 E. The commission on higher education shall prepare
7 guidelines setting forth explicit student continuing
8 eligibility criteria and guidelines for administration of the
9 tuition scholarship program. Guidelines shall be distributed
10 to community college boards to enable a uniform availability of
11 the resident student tuition scholarships. "

12 Section 4. Section 21-16-10.1 NMSA 1978 (being Laws 1996,
13 Chapter 71, Section 6, as amended) is amended to read:

14 "21-16-10.1. TUITION SCHOLARSHIPS AUTHORIZED. --

15 A. To the extent that funds are made available by
16 the legislature from the lottery tuition fund, the board of a
17 technical and vocational institute shall award tuition
18 scholarships for qualified resident students attending a
19 technical and vocational institute.

20 B. The tuition scholarships authorized in this
21 section shall apply only to full-time resident students who,
22 [~~immediately upon~~] within two years of completion of a high
23 school curriculum [~~at a public or accredited private New Mexico~~
24 ~~high school~~] or [~~upon~~] within two years of receiving a graduate
25 equivalent diploma, are accepted for entrance to and attend a

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1 technical and vocational institute. Each tuition scholarship
2 shall be awarded for up to two consecutive years beginning the
3 second semester of the recipient's first year of enrollment,
4 provided that the recipient has maintained residency in New
5 Mexico and maintained a grade-point average of 2.5 or higher on
6 a 4.0 scale during his first semester of full-time enrollment
7 with renewal of an additional two years upon transfer.

8 C. The commission on higher education shall prepare
9 guidelines setting forth explicit student continuing
10 eligibility criteria and guidelines for administration of the
11 tuition scholarship program. Guidelines shall be distributed
12 to the boards of technical and vocational institutes to enable
13 a uniform availability of the resident student tuition
14 scholarships. "

15 Section 5. EFFECTIVE DATE. --The effective date of the
16 provisions of this act is July 1, 2005.